

22. (Amended) A process as recited in claim + 18 wherein said upgraded oligomerization product exhibits a viscosity index that is greater than about 140 as determined using test method ASTM D567.

Remarks

Objection to Specification

The specification has been amended to provide support for the “15 or less” limitation in claim 7 and the “viscosity index of 140” in claim 22.

Claims Rejection – 35 U.S.C. § 112

Claims 13-16 have been amended to provide proper antecedent basis.

Claim Rejections – 35 U.S.C. §§ 102 and 103

Claim 1 has been cancelled.

Claim 18 as originally presented has been rewritten in independent form and is not anticipated or made obvious by Landis. Claim 18 recites that the upgraded oligomerization product exhibits a greater viscosity index than the oligomerization product. In contrast, Landis starts with an oligomerization product having a high viscosity index, which, while remaining high, is reduced somewhat by a hydrocracking reaction. Specifically, Landis states at col. 2, lines 31-36 that:

It is another object of the present invention to provide a method for the preparation of low viscosity HVI-PAO in high yield from high viscosity HVI-PAO while retaining the high viscosity index and pour point characteristics of the novel oligomer.

As shown in TABLE 2 of Landis, the oligomerization product feed had a VI of 189.6 and the upgraded oligomerization product of Examples 6-11 each had a lower VI, specifically 169.9, 156.2, 166.2, 171.3, 161.1, and 157.4, respectfully. Landis summarizes these results by stating at col. 8, lines 47-53 that:

It is particularly surprising in the instant invention that the hydrocracking process described is accomplished without deleteriously affecting the VI of HVI-PAO. The higher viscosity or heavier HVI-PAO is reduced to a lower viscosity or lighter HVI-PAO which still maintains the high VI of the feedstock.

Landis does not teach or suggest that the upgraded oligomerization product exhibits a greater viscosity index than the oligomerization product, which is completely counter-intuitive to the teaching of Landis that the VI of the upgraded product is reduced. Therefore, Landis does not provide a *prima facie* case of obviousness as to claim 18 because Landis teaches away from the claimed process, thereby obviating any suggestion or motivation to modify the starting materials of Landis to include oligomerization products having a VI less than the upgraded oligomerization product. Therefore, Applicants respectfully submit that Landis does not anticipate or make obvious the process recited in claim 18.

Claims 2-4, 6, 7, 9-17, and 19-22 have been amended to depend from independent claim 18. Given that claim 18 is not anticipated or obvious in view of the prior art, dependent claims 2-17 and 19-22 likewise are not anticipated or obvious in view of the prior art.

Double Patenting

With respect to the provisional obviousness-type double patenting rejection over Application No. 09/718,044, Applicants have provided herewith a terminal disclaimer.

STATEMENT OF COMMON OWNERSHIP

The following statement of common ownership is provided to overcome the obviousness rejection over Application No. 09/718,044:

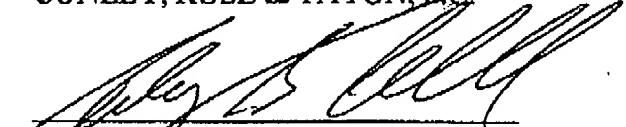
Application number 09/747,795 (the present application) and Application No. 09/718,044 were, at the time the invention of Application 09/747,795 was made, owned by Phillips Petroleum Company and were subsequently transferred to Chevron Phillips Chemical Company LP by a corporate merger.

Applicants respectfully submit that all pending claims are in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2299.

The Commissioner is hereby authorized to charge payment of any fee associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 50-1515, Conley, Rose & Tayon.

Respectfully submitted,

CONLEY, ROSE & TAYON, P.C.



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